

Remarks

The Examiner required Applicants to amend the brief description of the drawings to include descriptions to figures 4 - 23. Applicants amended the brief description and, for purposes of simplicity, changed the numbers of the paragraphs following the brief description but did not include them in the Response as only the numbers of the paragraphs were changed. No substantive changes were made following the brief description. Should the Examiner require Applicants to submit the numbers of the paragraphs in marked up format, Applicants will be pleased to comply.

The Examiner rejected claims 1-6 under 35 USC §102 as being anticipated by U.S. Patent No. 2,421,072 to Kramer ("Kramer") and claims 1, 2, 5, and 6 under 35 USC §102 as being anticipated by both U.S. Patent No. 5,926,980 to Adam ("Adam") and U.S. Patent No. 6,006,454 to Sitzler ("Sitzler").

All claims relate to a reversible cleat having two sides, each side having at least one extension. The at least one extension on each side is for engaging with a walking surface. Claims 1-6 further relate to a securing mechanism placed within a hole of the cleat. Claims 7-9 further relate to a securing mechanism having at least one extension and an anchoring mechanism having at least one pocket, wherein the at least one extension of the securing mechanism is placed in the at least one pocket for securing the cleat.

Kramer relates to a cleat that is secured around the perimeter of the cleat. The cleat does not have a hole through which a securing mechanism is placed, as claimed by Applicants. Because all limitations of Applicants' claims 1-6 are not disclosed, the rejections under 35 USC 102 with respect to Kramer should be withdrawn.

Both Adam and Sitzler relate to a cleat with one side that has at least one extension and a second side that is flat, or without any extensions. In fact, the second side cannot have any extensions because an extension would prevent the cleat from being attached to the shoe since the extension on the second side would occupy space not available and render the cleat wobbly, as only a flat surface on the second side would obviate any wobbliness. Because Adam and Sitzler do not disclose Applicants' claimed cleat with two sides, each having at least one extension, the rejections under 35 USC §102 with respect to Adam and Sitzler should be withdrawn.

The Examiner rejected claims 7-9 under 35 USC §103 as being unpatentable over either Adam or Sitzler in view of U.S. Patent No. 6,108,944 to Savoie ("Savoie").

As stated above, all claims relate to a reversible cleat having two sides, each side having at least one extension. Furthermore, claims 7-9 relate to the securing mechanism having at least one extension and an anchoring mechanism having at least one pocket, wherein the at least one extension of the securing mechanism is placed in the at least one pocket for securing the cleat.

Also as stated above, neither Adam nor Sitzler discloses a cleat having two sides where each side has at least one extension. In fact, an extension on both sides would render the inventions of Adam and Sitzler inoperable because the extension on the side facing the shoe would prevent the securing mechanism from being secured to the shoe.

The Office Action appears to rely on Savoie to teach a securing mechanism with three extensions. There is no description in the Office Action or in Savoie related to a cleat having two sides where each side has at least one extension. Similar to Adam and Sitzler, the invention of Savoie would be rendered inoperable if the cleat had an extension on both sides since the extension facing the shoe would occupy room not available

and, even if possible, would make the cleat wobbly when attached. FIG. 22 of Savoie appears to show the securing mechanism of the cleat attached to the cleat. Should the cleat in FIG. 22 be reversed, the cleat would prevent the securing mechanisms from being secured.

Therefore, even a combination of Adam or Sitzler with Savoie would not arrive at a cleat having two sides where each side has at least one extension, particular given the inoperability of the inventions of Adam, Sitzler, and Savoie if the cleat were to have an extension on both sides.

A prima facie case of obviousness requires that the Examiner show that the proposed combination teaches all of the claimed elements, that there is motivation for the combination, and that there is a reasonable expectation of success for the combination. Because no reference alone or in any combination with one another relates to a cleat having two sides where each side has at least one extension, the proposed combination cannot include the claimed cleat. When no reference refers to such claimed features, the motivation to combine the stated references in a manner to include Applicant's claimed feature is also absent. The reasonable expectation of success prong is moot given Examiner's failure to satisfy the "all-elements" and motivation prongs.

Moreover, because there is no disclosure, teaching, or suggestion in any reference for a cleat having two sides where each side has at least one extension, the combination of the references do not arrive at Applicants' claimed invention without some modification to the combination.

Even assuming that somehow the cited references may be combined, in order for a reference to be properly modified in a rejection under 35 USC §103, there must be some teaching or suggestion to make the modification. Without some teaching or suggestion, one skilled in the art lacks the motivation to make the modification. As dis-

cussed above, all of the references not only lack a teaching or suggestion for a cleat having two sides where each side has at least one extension, but such a cleat would render each of the inventions of Adam, Sitzler, and Savoie inoperable. Given the inoperability if such a modification were to take place, one skilled in the art would not make such a modification. Such a modification would require a complete redesign of the combined references in order to provide sufficient clearance for the extension of the side of the cleat facing the shoe and to provide a securing mechanisms that would accommodate the added extension. It can hardly be argued or presumed that Applicants' cleat having two sides where each side has at least one extension would be obvious in view of such teachings. Such differences can hardly be inconsequential.

Based on the foregoing, Applicants' submit that all claims are allowable and that all rejections be withdrawn.

Respectfully submitted,



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